



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/263,801	03/06/1999	LAWRENCE A. FISH	SGUS0007	2251

7590 04/01/2003

Nath & Associates
Sixth Floor
1030 Fifteenth Street N.W.
Washington, DC 20005

EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 04/01/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/263,801

Applicant(s)

FISH ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 31-36, 42, 43 and 48 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Response to Arguments

The Affidavit filed on 12/13/02 under 37 CFR 1.131 is sufficient to overcome the U.S. 6,205,473-B1 to Thomasson reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,205,485-B1 to Kikinis.

Regarding claim 1, Kikinis discloses in Figures 1 and 3, a system for distributing digital media information with a media server 100/111, a plurality of affiliates (STB 121), a one way broadcast system (satellite 113) that is connected to server 110/111 and transmits to a dish 120 connected to STB 121, the STB 121 is connected to web server 111 via the Internet 134 (column 3, lines 31-51, column 4, lines 15-65, column 6, lines 12-21, line 41-65). Kikinis does not disclose the use of a confirmation application and delivery application to track the receipt of information and resending the information if the server does not receive the confirmation. The examiner takes official notice that the TCP/IP protocol may be used to transmit HTML and media information via the Internet and satellite links. TCP requires that an acknowledgement, called an ACK, be received from the destination machine upon successfully receiving the data. If the appropriate

ACK is not received within a certain time limit, the packet is retransmitted. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kikinis to utilize the TCP/IP protocol to confirm the receipt of information and retransmit the information if it was not received, thereby ensuring that a user had the most up to date program guide information and media.

Claims 2-7 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,205,485-B1 to Kikinis in view of U.S. Patent 6,052,554 to Hendricks.

Regarding claim 2, Kikinis discloses in Figures 1 and 3, a system for distributing digital media information with a media server 100/111, a plurality of STB 121, a one way broadcast system (satellite 113) that is connected to server 110/111 and transmits to a dish 120 connected to STB 121, the STB 121 is connected to web server 111 via the Internet 134, (column 3, lines 31-51, column 4, lines 15-65, column 6, lines 12-21, line 41-65). Kikinis does not disclose a number of set top receivers connected to the affiliates or transmitting digital video. Hendricks shows in Figure 1, a cable headend 208 which receives digital video via satellite link 206 and has a number of STB's 220 connected to it (column 8, line 9-column 9, line 20). Therefore it would have been obvious to one skilled in the art at the time of invention to modify Kikinis to transmit digital video via a one-way bandwidth portion and have a number of STB's attached to a headend as taught by Hendricks thereby increasing the efficiency of a satellite transponder by utilizing digital video.

Regarding claim 3, Kikinis discloses in Figures 1 and 3, a system for distributing digital media information with a media server 100/111, a plurality of STB 121, a one way broadcast system (satellite 113) that is connected to server 110/111 and transmits to a dish 120 connected to STB 121, the STB 121 is connected to web server 111 via the Internet 134, (column 3, lines 31-51, column 4, lines 15-65, column 6, lines 12-21, line 41-65). Kikinis does not disclose a number of set top receivers connected to the affiliates or transmitting digital video or that the affiliate computers may pull audio video or image information format push pull media server. Hendricks shows in Figure 1, a cable headend 208 which receives digital video via satellite link 206 and has a number of STB's 220 connected to it (column 8, line 9-column 9, line 20). The examiner takes official notice that the use of a cable modem connected to a headend to pull video or image information from a website instead of a connecting to a PSTN network is well known in the art. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Kikinis to transmit digital video via a one-way high bandwidth portion and have a number of STB's attached to a headend as taught by Hendricks and utilizing a cable modem for transmitting and receiving video and image information from a website thereby increasing the efficiency of a satellite transponder by utilizing digital video by transmitting user requested video and image information via a second pathway.

Regarding claim 4, Kikinis discloses in Figures 1 and 3, a system for distributing digital media information with a media server 100/111, a plurality of STB 121, a one way broadcast system (satellite 113) that is connected to server 110/111 and transmits to a

dish 120 connected to STB 121, the STB 121 is connected to web server 111 via the Internet 134, (column 3, lines 31-51, column 4, lines 15-65, column 6, lines 12-21, line 41-65). Kikinis does not disclose a number of set top receivers connected to the affiliates or transmitting digital video or that the affiliate computers may pull audio video or image information from a push pull media server. Hendricks shows in Figure 1, a cable headend 208 which receives digital video via satellite link 206 and has a number of STB's 220 connected to it (column 8, line 9-column 9, line 20). The examiner takes official notice that the use of a cable modem connected to a headend to pull video or image information from a website instead of a connecting to a PSTN network is well known in the art. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Kikinis to transmit digital video via a one-way high bandwidth portion and have a number of STB's attached to a headend as taught by Hendricks and utilizing a cable modem for transmitting and receiving video and image information from a website thereby increasing the efficiency of a satellite transponder by utilizing digital video by transmitting user requested video and image information via a second pathway.

Regarding claims 5-7 and 22-23, Kikinis discloses the use of a satellite as a one-way pathway (Figure 1).

Regarding claim 21, Kikinis discloses in Figures 1 and 3, a system for distributing digital media information with a media server 100/111, a plurality of STB 121, a one way broadcast system (satellite 113) that is connected to server 110/111 and transmits to a dish 120 connected to STB 121, the STB 121 is connected to web server 111 via the

Art Unit: 2611

Internet 134, (column 3, lines 31-51, column 4, lines 15-65, column 6, lines 12-21, line 41-65). Kikinis does not disclose a number of set top receivers connected to the affiliates or transmitting digital video or that the affiliate computers may pull audio video or image information from a push pull media server. Hendricks shows in Figure 1, a cable headend 208 which receives digital video via satellite link 206 and has a number of STB's 220 connected to it (column 8, line 9-column 9, line 20). The examiner takes official notice that the use of a cable modem connected to a headend to pull video or image information from a website instead of a connecting to a PSTN network is well known in the art. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Kikinis to transmit digital video via a one-way high bandwidth portion and have a number of STB's attached to a headend as taught by Hendricks and utilizing a cable modem for transmitting and receiving video and image information from a website thereby increasing the efficiency of a satellite transponder by utilizing digital video by transmitting user requested video and image information via a second pathway.

Claims 8-12 and 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,205,485-B1 to Kikinis in view of U.S. Patent 6,052,554 to Hendricks in further view of U.S. Patent 6,011,548 to Thacker.

Regarding claims 8-12 and 37-41, Kikinis discloses a system for distributing digital media information with a media server 100/111. The combined system of Kikinis and Hendricks does not disclose a receiver with an Ethernet port. Thacker discloses a cable modem system which utilizes an Ethernet port to transmit data from the cable

modem to a user's PC (column 1, line 63-column2, line 4, column 4, lines 8-53).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kikinis/Hendricks to utilize a cable modem connection to the internet and include an Ethernet port in the receiver as taught by Thacker, thereby enabling a user to take advantage of the high bandwidth offered by a cable modem.

Claims 13-16, 44-47, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,205,485-B1 to Kikinis in view of U.S. Patent 6,052,554 to Hendricks in further view of U.S. Patent 6,385,647 to Willis.

Regarding claims 13-16, 44-47, 49 and 50, the combined system of Kikinis and Hendricks disclose the use of TCP/IP and an Ethernet port. Kikinis, Hendricks and Thacker do not disclose the use of IP multicasting. Willis discloses a network utilizing IGMP protocol for transmitting unidirectional data to a number of receivers (Figures 2-4, column 10, line 40-column 11, line 49). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kikinis and Hendricks to use IGMP as taught by Willis, to increase the amount of available bandwidth in the network as the same data is broadcast to a number of receivers simultaneously.

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,205,485-B1 to Kikinis in view of U.S. Patent 6,052,554 to Hendricks in further view of U.S. Patent 6,011,548 to Thacker in further view of U.S. Patent 6,385,647 to Willis.

Regarding claims 17-20, the combined system of Kikinis, Hendricks and Thacker disclose the use of TCP/IP and an Ethernet port. Kikinis, Hendricks and Thacker do not disclose the use of IP multicasting. Willis discloses a network utilizing IGMP protocol for transmitting unidirectional data to a number of receivers (Figures 2-4, column 10, line 40-column 11, line 49). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kikinis, Hendricks and Thacker to use IGMP as taught by Willis, to increase the amount of available bandwidth in the network as the same data is broadcast to a number of receivers simultaneously.

Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,205,485-B1 to Kikinis in view of U.S. Patent 6,052,554 to Hendricks in further view of the UPS tracking application.

Regarding claim 24-30, Kikinis discloses in Figures 1 and 3, a system for distributing digital media information with a media server 100/111. Kikinis/Hendricks does not disclose a content delivery application which determines the delivery status of AV or image information. The UPS tracking application is a web-based application which is utilized to retrieve the delivery status of a shipped item (see attached screenshot). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kikinis/Hendricks to utilize a tracking application as taught by the UPS tracking application to track the delivery of content shipped to a head end to ensure on time delivery.

Allowable Subject Matter

Claims 31-36, 42, 43 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5359 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

HBL
March 24, 2003


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600